



Using the *Bugmy Bar Book* publications in
psychological assessments and report writing

Cultural Safety

Cultural safety has been defined by the Australian Health Practitioner Regulation Agency as follows: Cultural safety is determined by Aboriginal and Torres Strait Islander individuals, families and communities.

By the end of next year, as registered psychologists, we will all be required to practice in a culturally safe way under National Law.

Culturally Safe Practice

1. Culturally safe practise as defined by AHPRA is the ongoing critical reflection of health practitioner knowledge, skills, attitudes, practising behaviours and power differentials in delivering safe, accessible and responsive healthcare free of racism. ... To ensure culturally safe and respectful practice, health practitioners must:
 - a. Acknowledge colonisation and systemic racism, social, cultural, behavioural and economic factors which impact individual and community health;
 - b. Acknowledge and address individual racism, their own biases, assumptions, stereotypes and prejudices and provide care that is holistic, free of bias and racism;
 - c. Recognise the importance of self-determined decision making, partnership and collaboration in health care which is driven by the individual, family and community;
 - d. Foster a safe working environment through leadership to support the rights and dignity of Aboriginal and Torres Strait Islander people and colleagues.

Psychological and Emotional Harm

- **Feelings of Exclusion:** A lack of cultural safety can lead to feelings of isolation, marginalization, and alienation in professional settings.
- **Trauma Reinforcement:** Cultural insensitivity or ignorance can re-trigger intergenerational trauma caused by colonization, racism, and systemic injustice.
- **Distrust and Anxiety:** Negative experiences may cause fear or reluctance to engage with services, further isolating individuals or communities.

Loss of Trust in Institutions

- **Historical Context:** Many Aboriginal and Torres Strait Islander people carry generational mistrust toward institutions due to past harms like forced removals and systemic racism.
- **Barriers to Engagement:** A culturally unsafe environment reinforces this mistrust, making individuals less likely to access services, seek help, or participate in professional spaces.

Poorer Health and Well-Being Outcomes

- **Barriers to Healthcare:** Cultural insensitivity in healthcare or mental health services can result in misdiagnoses, reluctance to seek treatment, and poorer overall health outcomes.
- **Inadequate Support:** Failure to consider cultural factors in care plans may lead to solutions that are inappropriate or ineffective for the individual or community

Cultural Erosion

- **Disrespect for Identity:** Environments that dismiss or devalue cultural practices, languages, or beliefs can lead to a sense of cultural invalidation or shame

Social and Economic Disadvantage

- **Limited Opportunities:** Cultural unsafe institutions can lead to exclusion from meaningful participation
- **Systemic Discrimination:** Biases or prejudices in decision-making can perpetuate cycles of inequality and disadvantage.

Impact on Community Well-Being

- **Reduced Participation:** Communities may avoid engaging with services, programs, or initiatives that are perceived as culturally unsafe, limiting access to vital resources.
- **Erosion of Trust:** Reducing trust in other institutions, sectors or practitioners

Key Reasons for Addressing Disadvantage

Contextual Understanding

- Recognizing disadvantage helps contextualize an individual's behaviour or challenges.
- For example, a history of poverty, trauma, or systemic discrimination may explain difficulties with education, employment, or compliance with legal or social norms.

Fair Assessment

- Addressing disadvantage ensures the report does not unfairly attribute challenges solely to personal failings but considers environmental and systemic influences.
- This is especially critical for marginalized populations, such as Aboriginal and Torres Strait Islander peoples, refugees, or individuals living in poverty.

Advocacy for Support and Resources

- Highlighting disadvantage can advocate for access to services such as mental health care, housing, or financial assistance.
- It ensures recommendations focus on removing barriers and providing appropriate support.

Promoting Equity in Decision-Making

- Reports that address disadvantage help legal and social systems make informed, equitable decisions.
- For instance, in family court cases, understanding how socioeconomic factors affect parenting capacity is essential for fair outcomes.

Trauma-Informed Approach

- Many individuals experiencing disadvantage have a history of trauma. Acknowledging this ensures the report adopts a compassionate, strengths-based perspective.

Ethical Responsibility

- Psychologists have an ethical duty to provide unbiased, accurate, and culturally sensitive assessments. Ignoring disadvantage risks perpetuating stigma or discrimination in systems that rely on these reports.

Examples of Disadvantage to Address

Social and Economic Factors:

- Financial disadvantage, homelessness, lack of education through interrupted schooling, or unemployment.

Cultural and Systemic Disadvantage:

- Racism, marginalization, or the intergenerational impacts of colonization for Aboriginal and Torres Strait Islander peoples.

Health Inequities:

- Limited access to healthcare, chronic health conditions such as otitis media, acquired brain injuries and untreated mental health conditions.

Trauma and Abuse:

- Childhood maltreatment, domestic violence, or exposure to community violence, and exposure to substance misuse

Legal and Institutional Challenges:

- Incarceration, child protection involvement, or systemic discrimination.

When addressing disadvantage in psychological assessments and reports it is considered Best Practice for Psychologists to;

Undergo a Thorough Assessment:

- Use culturally and contextually appropriate tools to gather information on environmental, social, and systemic factors.
- Take time. It is not always possible to obtain a person's story in one session and this is dependent on many factors.

Strengths-Based Language:

- While addressing disadvantage, highlight resilience and strengths to avoid portraying the individual solely in terms of deficits.

Cultural Sensitivity:

- Ensure the report reflects an understanding of the individual's cultural background and experiences. For Aboriginal clients, consult cultural advisors if needed.

Treatment and Wellbeing and Recommendations:

- Suggest practical solutions to mitigate disadvantage, such as access to community programs, housing support, or culturally safe services.
- Ensure recommendations reflect connection to culture and enhance cultural identity

Ethical Considerations:

- Ensure the report avoids stigmatizing language and provides an accurate, respectful representation of the individual's circumstances.

Key Features of Strength-Based Evidence

Focus on Resilience and Capacity

- Highlights how individuals or families have demonstrated resilience, overcome adversity, or used available resources effectively.
- For example, evidence showing how a parent has successfully engaged in parenting programs or maintained stability despite challenges.

Recognition of Positive Efforts

- Emphasizes efforts to improve circumstances, such as participation in rehabilitation, therapy, or community service

Supportive Community and Cultural Resources

- Showcases connections to positive cultural, social, or community networks that contribute to stability and growth.
- For Aboriginal clients, this could include connection to Country, kinship ties, or participation in cultural practices.

Potential for Rehabilitation

- Strength-based evidence demonstrates the potential for change and future positive behaviour, important in sentencing or custody matters.

Applications in Legal Contexts

Child Protection and Family Law

- Highlights parenting strengths, efforts to create a safe home environment, or engagement with support services.
- Counters purely deficit-focused assessments by showcasing a parent's ability to grow and meet a child's needs.

Criminal Law

- Used during sentencing to present evidence of personal reform, community support, or engagement in rehabilitation programs.
- Shows the client's capacity for reintegration into society.

- **Civil Law**

- Demonstrates how individuals have positively contributed to their workplaces, communities, or families in disputes or claims.

- **Support for Vulnerable Populations**

- In cases involving Aboriginal clients or those with trauma histories, strength-based evidence contextualizes challenges while emphasizing cultural resilience and support systems.

Examples of Strength-Based Evidence

- **Personal Development:** Certificates or reports of completed education, training, or therapy programs.
- **Community Contributions:** Testimonials from community members, evidence of volunteer work, or participation in cultural or social groups.
- **Support Networks:** Letters of support from family, mentors, or organizations demonstrating a reliable network.
- **Resilience in Adversity:** Examples of how the individual has managed challenges, such as securing housing or employment after hardship.

Why It Matters

- **Holistic Representation:**
 - Avoids a one-dimensional portrayal of individuals as merely "problems" or "offenders."
 - Encourages legal professionals to see the potential for growth and change.
- **Fairness and Equity:**
 - Particularly relevant for marginalized groups, including Aboriginal people, whose strengths are often overlooked in favour of a deficit model.
- **Informed Decision-Making:**
 - Provides courts and legal professionals with a fuller understanding of the individual's circumstances, enabling more just and constructive outcomes.

Considerations for Legal Practitioners

- **Cultural Safety:** Ensure that strength-based evidence is culturally informed and respects the values of the client's community or culture.
- **Balanced Narrative:** Present both challenges and strengths to provide a realistic but optimistic picture.

- **Collaboration with Experts:** Engage psychologists, social workers, or cultural advisors to identify and articulate strengths effectively.
- **Consider the practitioners you use:** Do due diligence in ensuring the practitioners you use have positive experiences of working with Aboriginal and Torres Strait Islander people. Talk to Aboriginal people that have used their service and can vouch for them. Look at their reports they have done for an Aboriginal client (deidentified). Please do your homework!!